

FILED

SEP 25 2018

Clerk, U S District Court
District Of Montana
Billings

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN HENRY SCHNEIDER,

Defendant.

Cause No. CR 17-77-BLG-SPW

ORDER

On September 24, 2018, Defendant Schneider, who is now proceeding *pro se*, moved the Court to correct his presentence report. On September 10, 2018, the Court of Appeals stayed Schneider's self-surrender date pending disposition of his motion to stay his sentence under Federal Rule of Appellate Procedure 9(b).

Schneider contends that California authorities dismissed a charge connected with his arrest in 1990 in Burbank, California, for carrying a loaded firearm on his person or vehicle in a public place. In his presentence report, the disposition was described as "unknown" due to the age of the offense. *See* Presentence Report ¶ 43. Schneider submits an exhibit showing he was charged with three counts. Two counts, including the firearms charge, were dismissed, and he was convicted of the third, alleging fighting, noise, or offensive words in a public place. *See* Mot. Ex.


“Case Information” (Doc. 64-1 at 3). He asks that the presentence report be corrected.

“After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.” Fed. R. Crim. P. 36. Schneider identifies what appears to be an oversight in the presentence report. The document he attaches to his motion states that it is not a complete record of the proceedings, but it purports to be “an extraction from the court record.”

As the proposed correction affects only the Bureau of Prisons’ initial designation of the place of Schneider’s imprisonment, *see* 18 U.S.C. § 3621(b), it is not necessary to give notice to the United States.

Accordingly, IT IS HEREBY ORDERED that Schneider’s motion to correct the Presentence Report (Doc. 64) is GRANTED. The Probation Office shall file an Addendum to the Presentence Report, consisting only of a revised Paragraph 43 and listing the additional charges and dispositions identified by Schneider.

DATED this 24th day of September, 2018.


Susan P. Watters
United States District Court